

Supreme Court finds Yakima courthouse open when trial ran late

Posted on January 1, 2015

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The state Supreme Court has rejected a Wapato man's argument that his right to a public trial was violated because it ran later than the Yakima County Courthouse's regular business hours.

In a unanimous ruling issued Wednesday, the state's highest court upheld Joey Anthony Andy's 2012 conviction on second-degree assault and first-degree burglary in connection with an attack on a woman at a Toppenish motel. The court upheld a Yakima County Superior Court finding that Andy had no proof that a sign stating the building's regular hours deterred people from attending his trial.

"When defendants assert public trial rights violations, they have the burden to show that a courtroom closure occurred," Justice Susan Owens wrote in the high court's ruling. "In this case, the trial judge made findings of fact that the courthouse was open at all times during Andy's trial and that the sign regarding courthouse hours did not deter the public from attending Andy's trial."

Andy argued that his constitutional right to a public trial was violated because proceedings on several occasions ran past 4 p.m., which was the listed closing time on the courthouse door, according to the court document.

In 2011, county commissioners changed the closing time from 5 p.m. to 4 p.m. for staffing reasons.

However, when the county shortened its hours, the courts instituted a policy to ensure that courthouse doors remained open.

Under the policy, court clerks notify courthouse security officers when court sessions will last later than closing hours, and that the doors are to remain open. Judges also routinely state for the record in late-running hearings that the courthouse will remain open as long as the court is in session.

In 2013, the county posted that policy on the courthouse door, said Harold Delia, the county's court consultant.

Delia said Andy was one of several defendants who argued that the courthouse's posted hours infringed on their public trial rights.

The Supreme Court found the courthouse was open throughout Andy's case. The evidence the high court cited included a security officer's time sheet showing that he worked until 6 p.m. on one of the days Andy's trial went past regular business hours.

Security officers testified in a Superior Court hearing on Andy's claim that people did not appear to pay much attention to the sign on the door, but would just walk in as long as the door was unlocked.

Andy, 33, was sentenced to eight years in prison for the Jan. 22, 2012, incident at the El Corral Motel in Toppenish. Police said Andy barged into a motel room and fought with the occupants, slashing a woman on the cheek.

Andy was reported to be looking for his ex-girlfriend, who was not injured in the incident.

The woman's injury required 41 stitches to close, the affidavit said.